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3 UNITED STATES DISTRICT COURT
4 WESTERN DISTRICT OF WASHINGTON
5 AT TACOMA

6 BRETT J. MAKOVINEY,

7 Plaintiff,

8 v.

9 MICHAEL J. ASTRUE, Commissioner of
10 Social Security,

11 Defendant.

Case No. 11-5229 RBL-KLS

REPORT AND RECOMMENDATION

12 This matter has been referred to the undersigned Magistrate Judge pursuant to 28 U.S.C.
13 § 636(b)(1)(B) and Local Rule MJR 4(a)(4) and as authorized by Mathews, Secretary of H.E.W.
14 v. Weber, 423 U.S. 261 (1976). This matter is before the Court on the stipulated motion for
15 remand. (ECF #17). After reviewing the parties' stipulated motion and the remaining record, the
16 undersigned recommends that the Court grant the parties' motion, and remand this matter to the
17 Commissioner for further proceedings.

18 This Court recommends that on remand The administrative law judge (ALJ) will
19 reevaluate all of the medical evidence, including the opinions from Dr. Campbell and Dr.
20 Hoskins, and will, if necessary, assist the claimant in obtaining any missing medical records; the
21 ALJ will reevaluate the claimant's limitations, subjective complaints, allegations, and all of the
22 medical records as they relate to the relevant period, and provide the claimant with an
23 opportunity to provide additional testimony; the ALJ will reevaluate the lay witness testimony of
24 Brian Makoviney; the ALJ will reevaluate the claimant's residual functional capacity; and the

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1 ALJ will conduct a new sequential evaluation process, obtaining supplemental medical and/or
2 vocational expert testimony as necessary.

3 This remand is pursuant to sentence four of 42 U.S.C. § 405(g). Upon proper
4 presentation, this Court will consider Plaintiff's application for costs and attorney fees under 28
5 U.S.C. § 2412(d) and 42 U.S.C. § 406(b).

6 Given the fact of the parties' stipulation, the Court recommends that the District Judge
7 immediately approve this Report and Recommendation and order the case **REVERSED** and
8 **REMANDED**. A proposed order accompanies this Report and Recommendation.
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10 DATED this 8th day of November, 2011.

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13 Karen L. Strombom
14 United States Magistrate Judge
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